

## ZONING CHANGE REVIEW SHEET

**CASE:** C814-2012-0071  
Broadstone at the Lake

**P.C. DATE:** September 11, 2012

**ADDRESS:** 422 W. Riverside Drive, 201 S. First Street **AREA:** 1.53 acres

**OWNER/AGENT:** David Dunlap / Bury & Partners (Melissa Neslund)

**FROM:** LI-NP – Limited Industrial Services-Neighborhood Plan

**TO:** PUD-NP – Planned Unit Development-Neighborhood Plan

**AREA STUDY:** N/A

**TIA:** Not required

**WATERSHED:** Lady Bird Lake

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Riverside Drive

**NEIGHBORHOOD PLAN AREA:** Bouldin Creek

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant PUD-NP district zoning.

**ISSUES**

The subject property is located at the northeast corner of South First Street and Riverside Drive. It is located in the South Shore Central Subdistrict of the Waterfront Overlay and the Riverside Drive Scenic Roadway Overlay. The combined effect of these location-specific regulations, in conjunction with standard City-wide development standards, lot configuration, and other design constraints, is a significant reduction of development potential for the subject property.

Staff has received correspondence expressing concerns about the proposed PUD (Exhibit G-Correspondence).

**PLANNING COMMISSION RECOMMENDATION:**

September 11, 2012: *TO APPROVE P.U.D. ZONING AS RECOMMENDED BY STAFF, MOTION BY NORTEY, 2<sup>ND</sup> BY ROARK. (5-3)*

**WATERFRONT PLANNING ADVISORY BOARD:** August 13, 2012: *TO DENY P.U.D. ZONING. MOTION BY WALTON, 2<sup>ND</sup> BY RINDY. (6-0)*

**ENVIRONMENTAL BOARD:** September 5, 2012: *TO APPROVE P.U.D. ZONING, WITH CONDITIONS THAT APPLICANT INVESTIGATE ALTERNATIVE METHODS OF WATER QUALITY TREATMENT, INCLUDING (BUT NOT LIMITED TO) RAINWATER*

*COLLECTION AND RAIN GARDENS. THE BOARD ALSO RECOMMENDED LARGER TREES BE PROVIDED. MOTION BY SCHISLER, 2<sup>ND</sup> BY ANDERSON. (7-0)*

**DEPARTMENT COMMENTS:**

The subject property is a 1.53 tract located at the northeast corner of South First Street and Riverside Drive. The property is currently zoned LI-NP and occupied by a retail store and surface parking (Runtex). Immediately to the northeast is a tract zoned L-V-NP, which is occupied by a 2-story office building, and a 5-story, 80-foot tall office building (210 Barton Springs Road). Further northeast is property zoned PUD-NP, occupied by the Hyatt hotel and associated improvements. East of the subject property is property zoned LI-NP and CS-1-V-NP, occupied by a restaurant and parking. Across Riverside Drive to the southwest is property zoned CS-1-V-NP and occupied by a restaurant and parking. Across the intersection to the west is Palmer Events Center and associated improvements, zoned P-NP and CS-1-NP. Across South First Street to the northwest is Auditorium Shores, zoned P-NP (Exhibits A & B – Zoning Map & Aerial Map). The Future Land Use Map (FLUM) of the Bouldin Creek Neighborhood Plan identifies the property for mixed use. Imagine Austin designates the area as an Activity Corridor on the Growth Concept Map.

The applicant proposes to redevelop the subject property with a 75-foot tall, mixed use building. The project includes a minimum of 9,000 square feet of pedestrian oriented commercial uses (as defined by Waterfront Overlay standards) on the first and second floors, a maximum of 240 multifamily residential units above, and a three-level parking garage. The parking garage will be constructed with one level aboveground, and two levels underground. The PUD proposes to use CS-General Commercial Services as a base zoning district. Several elements of the base CS district have been modified, many in response to Staff comments, and are identified in the PUD documents (Exhibit H- Proposed PUD). Examples include an increased number of prohibited uses, increased building height, and more.

The South Shore Subdistrict of the Waterfront Overlay establishes a maximum height of 60 feet for this site. The subdistrict also requires buildings be set back 35 feet from Riverside Drive. The subdistrict also requires building facades along Riverside Drive angle away from the roadway at a 70-degree angle, beginning from the top of the building base wall. When originally created, the Waterfront Overlay was designed to include a density bonus program, which would create a mechanism for exceeding height or setback limits. The density bonus program has not yet been designed/implemented, so the PUD zoning process is the only way to achieve greater height in this area. The Riverside Drive Scenic Roadway Overlay requires signs to be set back 35 feet from Riverside Drive. The proposed project would require waivers/variances from these requirements in order to be developed.

The applicant has worked closely with City staff throughout the PUD review process, focusing especially on addressing regarding compliance with drainage and water quality requirements on the 1.53 acre property. The subject property is located in Lady Bird Lake Watershed, which is classified as Urban. The property is also located approximately 500 feet from Lady Bird Lake. Staff recommendations regarding drainage and water quality compliance have evolved throughout the PUD process to increase PUD superiority and address concerns from City boards and commissions that have reviewed the project.

Staff recommends that the applicant-pay into the Urban Watersheds Structural Control Fund in-lieu of providing on-site water quality controls for the first acre of the development. The applicant must provide water quality treatment for an area equivalent to the remaining 0.53 acres, subject to conditions. The conditions are that the equivalent water quality treatment for the 0.53 acres may not be provided underneath the proposed building or parking garage, due to design and maintenance concerns with this type of treatment system. Water quality controls may be provided to treat on-site or off-site runoff in a location mutually agreed to by the City and the applicant. The applicant has agreed to incorporate porous pavement into the hardscape where possible, with design approval by the Public Works Department. License agreements will be developed for any improvements in the right-of-way. The applicant has also agreed to provide rainwater capture / harvesting to meet the needs of the on-site landscaping irrigation. Staff has agreed to allow for back-source for drought situations.

Water quality treatment systems are designed as part of the site plan process, and City staff have committed to working with the applicant to develop appropriate water quality treatment systems for the subject property.

A copy of the applicants response to Staff comments on the PUD request is attached for review (Exhibit C- Comment Response Letter). Also required as part of the PUD process, the zoning case was presented to the Waterfront Planning Advisory Board (WPAB) and Environmental Board (EVB) for review and recommendation. WPAB did not recommend the PUD application, and EVB recommended the PUD application with comments (Exhibit D- Environmental Board Recommendation). Austin Independent School District (AISD) reviewed the proposed PUD, and prepared an Educational Impact Statement (EIS). The EIS and a summary memo are attached (Exhibit E- EIS).

The proposed PUD meets all Tier One PUD requirements, and several Tier Two requirements (Exhibit F- Tier 1/Tier 2 Table). A list of requested waivers and variances is attached (Exhibit G- Variance Table). Correspondence is also attached (Exhibit I- Correspondence).

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI-NP	Retail, Parking
<i>Northeast</i>	L-V-NP, PUD-NP	Office, Hotel, Parking
<i>East</i>	LI-NP, CS-1-NP	Restaurant, Parking
<i>East</i>	CS-1-NP	Restaurant, Parking
<i>West</i>	P-NP, CS-1-NP	Park, Auditorium

#### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0220 Bouldin NPA VMU Opt-in/Opt-Out Process 507 S. First St.	CS-1- NP to CS-1-V-NP	12/11/07: Approved by consent	1/10/08: Approved

C814-06-0106 Fairfield/Hyatt PUD 208 Barton Springs Rd.	L-NP, CS-1-NP to PUD-NP	11/28/06: Approved with conditions, (6-0)	2/15/07: Approved (7-0)
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**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Riverside Drive	80'	MAU 4	Arterial	yes	yes	yes
S 1st Street	135'	MAU 6	Arterial	yes	yes	yes

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council  
 South Central Coalition  
 Save Town Lake.Org  
 Austin Heritage Tree Foundation  
 Downtown Austin Alliance  
 Bouldin Creek Neighborhood Planning Team  
 Bouldin Creek Neighborhood Association  
 South First Ibiz District

**SCHOOLS:**

Travis Heights Elementary School      Fulmore Middle School      Travis High School

**CITY COUNCIL DATE:** October 11, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
 e-mail: heather.chaffin@austintexas.gov

**PHONE:** 974-2122

**EXHIBITS**

Exhibit A – Zoning Map  
 Exhibit B – Aerial Map  
 Exhibit C – Comment Response Letter  
 Exhibit D – Environmental Board Recommendation  
 Exhibit E – EIS  
 Exhibit F – Tier 1/Tier 2 Table  
 Exhibit G – Variance Table  
 Exhibit H – Proposed PUD  
 Exhibit I – Correspondence

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant PUD-NP district zoning.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

From the LDC: *The purpose of a PUD district designation is to preserve the natural environment, encourage high quality development and innovative design, and ensure adequate public facilities and services for development within a PUD.*

The proposed mixed-use PUD offers a development on the subject property with less impervious cover, more landscaping, more trees, much larger trees than required by code, preferred alternative water quality features and more environmental features. This is an improvement over a site that is mostly surface parking with no trees, water quality or drainage controls. The mixed use building will provide a variety of pedestrian oriented services to local office workers, park visitors, and residents of the proposed multifamily building. City staff is committed to working closely on water quality and drainage issues to ensure innovative design and adequate public facilities.

*2. Granting of the request should result in an equal treatment of similarly situated properties.*

The PUD-NP zoning on the Hyatt Hotel property allows similar water quality and drainage management. The Hyatt property is also permitted up to approximately 200 feet in building height. The approved AquaTerra site plan to the east would allow development of an approximately 200-foot tall building as well. The existing building adjacent to the property is 80 feet tall.

*3. Zoning should allow for reasonable use of the property.*

The subject property is located at the northeast corner of South First Street and Riverside Drive. It is located in the South Shore Central Subdistrict of the Waterfront Overlay and the Riverside Drive Scenic Roadway Overlay. The combined effect of these location-specific regulations, in conjunction with standard City-wide development standards, lot configuration, and other design constraints, is a significant reduction of development potential for the subject property.









August 29, 2012

Ms. Heather Chaffin  
City of Austin  
Planning and Development Review Department  
505 Barton Springs  
Austin, Texas 78704

RE: PUD Comment Response #2  
Broadstone at the Lake - C814-2012-0071  
South First Street and Riverside Drive  
Austin, Travis County, Texas

Dear Ms. Chaffin:

Please find this letter as our formal response to comments received from your office on August 28, 2011. We have reviewed these comments and respond in the following manner:

**NPZ Zoning Review**

**Heather Chaffin**

**974-2122**

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**ZONING REQUIREMENTS**

**ZN1.** Make the list of prohibited uses on the Land Use Plan sheet consistent with the list included in Exhibit D. For example, if the applicant wishes to prohibit Adult oriented businesses, please add this to the Land Use Plan sheet.

*The lists have been cross-checked and updated. We've also added the additional permitted uses, and additional pedestrian oriented uses to the Land Use Plan for consistency.*

**ZN2.** FYI: AISD review/recommendation on Educational Impact is still outstanding, but is anticipated prior to Planning Commission hearing.

*Noted.*

BURY+PARTNERS  
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Austin, TX 78701

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FAX (512) 328-0325

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TBPE No. F-1048



- ZN3. Do not include off-site/ROW area in any impervious coverage, building coverage, etc. calculations. Proposed impervious coverage for the lot is 95%.

*Noted, and materials have been updated to reflect the sites acreage and 95% maximum impervious cover.*

- ZN4. Please keep the Case Manager/staff updated on any developments on the Community Benefit requirement, as mentioned in your Update #1.

*Noted, and we will keep you abreast of any progress on this front.*

- ZN5. License agreement(s) will be required for any improvements in the ROW. Staff will recommend this as a condition of PUD approval.

*Noted.*

- ZN6. Update Capital Metro bus stop location on Land Use Plan sheet with information previously provided to agent.

*CapMetro location updated.*

- ZN7. Add the following information [can be integrated with existing notes, to avoid redundancy] to notes in Exhibit E and on Land Use Plan sheet:

*The proposed public plaza will be a minimum of 300 s.f. and located in the area designated on the land use plan. It will be located on the ground floor, approximately 8 to 14 feet in height. Supplemental zones and outdoor seating will also be open to the public.*

*The following was added to Note 4 on the Land Use Plan:*

*"The proposed public plaza will be a minimum of 300 s.f. and located 'generally' in the area designated on the land use plan. It will be located on the ground floor, approximately 8 to 14 feet in height."*

*'Generally' was added since the first sentence allows for some flexibility in the exact location, and states that it will be established on the site plan. Additionally, we've added a new note the regarding supplemental zone as it relates to public and private open space. Specifically, we'd like to have the option to have some private open space, i.e. for cocktail lounge or restaurant uses. A new Note 5 has been added to the land use plan, and states the following:*

*"The supplemental zone will be a minimum of 5,500 s.f. No less than 2,000 s.f. of the supplemental zone will be public open space."*

- ZN8. Edit Note 16, Exhibit E—Delete first sentence. Since all outdoor seating will be public, it cannot be reserved for a restaurant or cocktail lounge/ held for their private use. Therefore, it wouldn't be counted as part of the square footage.

*As indicated above, we'd like to have the option for some private outdoor seating if pedestrian oriented uses, such as cocktail or restaurant are located on-site, and desire to provide outdoor seating in the supplemental zone.*

- ZN9. Edit Note 21, Exhibit E—signage will comply with Scenic Roadway sign regulations. Add the corrected note to the Land Use Plan sheet.

*We propose that all signage on the Property shall comply with the requirements of Section 25-10-129 (Downtown Sign District Regulations).*

- ZN10. Add note/info to Land Use Plan sheet and to Exhibit E notes—the Supplemental Zone will be a minimum of 5500 s.f.

*Note added as 5.*

- ZN11. Edit Notes 14 and 15, Exhibit E as required by COA Water Quality and Drainage Engineering review staff.

*Water quality is updated per Staff's request.*

*Drainage is being coordinated with David Marquez and Kevin Shunk.*

- ZN12. RECOMMENDATION: Although I am requesting more notes be added to the Land Use Plan sheet, I think the PUD plan could be reduced from 2 plan sheets to 1—the page that is currently designated Land Use Plan (2 of 2). This would save money and storage. Take care to integrate any details/notes from Sheet 1 of 2, and keep the text font at a legible scale (minimum 10 pt.)

*Noted and consolidated into a single 24X 36 sheet.*

- ZN13. Additional comments may be generated as information is provided.

*Noted.*

- ZN14. Remaining comments may be cleared informally.

*Noted, thanks.*

- SP1. Please provide additional information showing how the requirements of the application will be met with this development using the PUD Tier I (§ 2.3) or Tier II requirements (§ 2.4). Describe how this development will be **superior to development** under conventional zoning and subdivision regulations. Several items proposed are required by current code and are not exceeding or superior.

*Update # 1: Please address any community benefits, public art, connection to park or pedestrian use, or additional landscaping that clearly shows the superiority of the PUD zoning over the existing LI zoning. The explanations previously provided seem inadequate; it appears that additional height, reduced flood control and encroachment into the floodplain is justified by increasing the required street trees in size from 1.5" to 3" and paying a fee to affordable housing. The proposed PUD is not the minimum 10 acres in size, and the proposals seem to be downsized also.*

*Tier 1 Gatekeeper requirements are being achieved as outlined in the Tier 1 vs Tier 2 chart provided. Tier 2 items provide options to look for ways to be superior in light of what is being sought. The Tier 2 items proposed are reasonable considering the request.*

- SP2. An application for a PUD zoning district classification must include a land use plan that contains each of the following (1.4.1):

- A. a general land use map (including metes and bounds);

*Update #1: Please show residential use, type, and location. Call out parking garage.*

*This information is clear on the land use plan and will be included on the site plan.*

- B. proposed site development regulations

*Update #1: How does a proposed 353,000 sf building on 1.53 acres meet the 4:1 maximum FAR?*

*The 353,000 sf includes the approximate 150,000 sf of parking garage. FAR does not include parking garages.*

- C. the baseline for determining development bonuses under Section 2.5. (Development Bonuses), if any;

*Update #1: The existing zoning is LI*

*The CS zoning district is proposed as the PUD's baseline district.*

D. a description of any bonuses requested under Section 2.5. (Development Bonuses) and the manner in which the bonus requirements are to be satisfied;

E. requested waivers from or modifications of the requirements of this code under Section 2.2 (Modification by Council), if any; and

F. any other information required by the director of the Neighborhood Planning and Zoning Department.

SP3. Comment addressed.

SP4. Comment addressed.

SP5. Comment addressed.

SP6. Clarify how this PUD will be complying with Subchapter E (when NOT in conflict with WFO).

The proposed layout does not appear to comply with Great Streets, nor meet the open space *requirements* under Section 2.7

*Update # 1: Please clarify open space requirements; divide out public vs. private designated areas.*

*Open space calculations have been prepared and submitted to Staff outlining the open space on-site.*

SP7. Please clarify the open space proposed – 15% for Tier Two? Does this include the ROW piece? Where is this located if the site is 95% impervious coverage? Section 2.7 of Subchapter E shall devote a minimum of 5% gross site area to one or more of the following types of private common open space or pedestrian amenities.

*Update# 1; Please call out the locations of public open space and private open space. Water quality facilities are not permitted as open space credit. Please show any vegetative roofs or landscaped areas of roofs that are proposed for open space credit. Common open space must be accessible and usable by residents.*

*Noted, and will be provided at site plan.*

SP8-11. Comment addressed.



- SP12. Verify approval from Capitol Metro for the relocation of the bus stop and the proposed Rapid Bus Stop. Clarify how this will function with the sidewalk (will there be a shaded structure or benches in the sidewalk area?).

*Update # 1; Pending.*

- SP13-16. Comments addressed.

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<b>NPZ Water Quality Review</b>	<b>Jennifer Back</b>	<b>974-6361</b>
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**UPDATE 1**

Staff has determined that fee in lieu will be available for up to 1 acre. Water quality treatment must be provided for the remaining 0.53 acres.

*Noted and updated in Exhibit E, Site Development Regulations.*

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<b>NPZ Drainage Engineering Review</b>	<b>Jennifer Back</b>	<b>974-6361</b>
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**UPDATE 1**

A waiver from detention is available for this site provided that direct conveyance to Lady Bird Lake is provided. Please show direct conveyance is available or will be provided with a site plan application.

*Noted, no response required.*

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<b>NPZ Environmental Review</b>	<b>Mike McDougal</b>	<b>974-6380</b>
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- ER1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed.

*No response required.*

- ER2. Impervious cover is not limited in the watershed class; therefore the zoning district impervious cover limits will apply.

*No response required.*

- ER3. The site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment, and detention for the two year storm.

*No response required.*

- ER4. According to floodplain maps there is a floodplain within the project area.

*No response required.*

- ER5. Trees will likely be impacted with the proposed development associated with this rezoning case.

*There are no trees on-site.*

- ER6. Standard landscaping and tree protection will be required.

*No response required.*

- ER7. On page 3 of the cover letter submitted on June 29, 2012, the applicant proposed to provide increased open space and work toward a Two Star Green Building Rating. This does not appear to be superior to the current Land Development Code.

*No response required.*

- ER8. As a condition of the proposed PUD, Environmental Review Staff recommends:

A) The applicant will be required to provide publicly accessible shaded seating and water fountains.

*A) Publicly accessible shaded seating and water fountain(s) will be provided.*

- TRU1: Comment addressed. Please note that a license agreement will be required for all non-standard items located in the right of way. Contact Andy Halm at 974-7185 for more information.

*Noted.*

**NPA Austin Water Utility Review****Neil Kepple****972-0077**

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WW1. The landowner intends to serve the site with City of Austin water and wastewater facilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use.

*Noted, no response required.*

**NPZ Floodplain Review****David Marquez****974-3389**

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FP1. Cleared.

FP2. Item 12 can be deleted since it is already a part of the code. Please change the word shall to may in the first sentence of Item 12. Change "the construction of the buildings shall" to "the development shall" and the 2 words "building" to "development" in the same sentence. Section G102.3 should be removed and the general sections of LDC 25-12-3 Section 1612, 25-12-3 Appendix G and chapter 25-7 should be used at the end of item 12 for compliance requirements. If you have any questions feel free to contact me.

*We are currently coordinating with David Marquez and Kevin Shunk on this language.*

**NPZ PARD/Planning & Design Review****Chris Yanez****974-9455**

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PR1-5. Cleared.

**Fire Review****Ralph Castillo****974-9455**

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FR1. Site must comply with the Fire Code.

*Noted.*

If you have any additional comments or concerns, please do not hesitate to contact me.

Sincerely,



Melissa M. Neslund  
Land Development Planner





## **ENVIRONMENTAL BOARD MOTION 090512**

**Date:** September 5, 2012

**Subject:** Broadstone PUD C814-2012-0071

**Motioned By:** James Schissler

**Seconded By:** Bob Anderson

### **RECOMMENDATION**

The Environmental Board motioned to approval with conditions for the Broadstone PUD, C814-2012-0071.

#### **Board Conditions:**

The proposed water quality controls are not satisfactory in several ways. The fee in lieu of water treatment is an awkward mechanism because it is difficult to implement water quality treatment in an area nearby.

Because of this, the Environmental Board recommends that more innovative water quality controls be utilized, such as rainwater harvesting and rain gardens.

In addition, the Board urges that the development utilize larger trees in the landscaping plan in order to maximize shade in a location that has no trees currently.

#### **Rationale:**

The Environmental Board would like to see the applicant use innovative water quality features as part of the project design, particularly given that the PUD is situated on such a small land area.

**Vote** 4-3-0-0

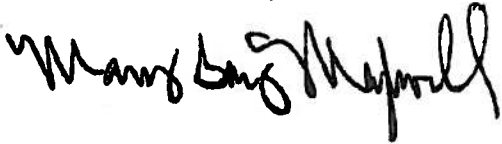
For: Anderson, Schissler, Maxwell and Neely

Against: Gary, Perales and Walker

Abstain: None

Absent: None

Approved By:

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is fluid and cursive, with the first name "Mary" being more prominent.

Mary Gay Maxwell, Environmental Board Chair

**Dissenting opinions**

The Dissenting Board members would have recommended against approving the proposed Broadstone PUD, and instead, would have suggested to Council that the density bonus originally planned for the Waterfront Overlay Ordinance be expedited to allow for high-density developments that are in line with the plans set forth in the Waterfront Overlay Districts.

**Rationale:** Preferring to expedite the density bonus addendum avoids granting small-scale PUDs within the Waterfront Overlay Districts which would effectively circumvent the land use and environmental protections established by the Waterfront Overlay Districts. Granting PUDs at such a small scale 1) is not in line with the purpose of a PUD and 2) sets a dangerous precedent for circumventing established, publicly vetted planning procedures. Furthermore, the applicant's proposal to pay a fee in lieu of water quality treatment is a standard design proposal that is contemplated by the existing Code provisions and therefore cannot be considered to provide superior environmental protection.

EXHIBIT E-  
EIS.



## MEMORANDUM

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TO: Mr. Dave Anderson, Chair  
Planning Commission Members

FROM: Heather Chaffin  
Planning and Development Review Department

DATE: September 11, 2012

RE: **Broadstone PUD – C814-2012-0071**  
Educational Impact Statement (EIS) Summary

\*\*\*\*\*

Austin Independent School District (AISD) has reviewed the proposed zoning application referenced above to determine any impacts on area schools. The EIS is attached for your review.

The PUD zoning proposes a maximum of 240 multifamily units at the project location. AISD projects that this will add approximately 24 students total: 12 to Travis Heights Elementary, 5 to Fulmore Middle School, and 7 to Travis High School. The middle and high schools will be able to accommodate the additional students. Additional students at the elementary level will further increase the percent of permanent capacity at the elementary school.

There are no significant transportation or safety concerns identified by AISD related to the proposed zoning application.

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent  
School District



**PROJECT NAME:** Broadstone at the Lake

**ADDRESS/LOCATION:** 201 S. 1<sup>st</sup> Street/422 W. Riverside Drive

**CASE #:** C814-2012-0071

**CITY COUNCIL DATE:** Pending

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_

STUDENTS PER UNIT ASSUMPTION: \_\_\_\_\_

# MF UNITS: 240 units (1-2 bedrooms; 550-1,500 SF)

STUDENTS PER UNIT ASSUMPTION: 0.1

**ELEMENTARY SCHOOL:** Travis Heights

**RATING:** Academically Acceptable

**ADDRESS:** 2010 Alameda Drive

**PERMANENT CAPACITY:** 486

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 70.8%

**MOBILITY RATE:** -1.6%

ELEMENTARY SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	557	605	617
% of Permanent Capacity	115%	124%	127%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

**MIDDLE SCHOOL:** Fulmore

**RATING:** Academically Acceptable

**ADDRESS:** 201 E. Mary Street

**PERMANENT CAPACITY:** 1,078

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 72.2%

**MOBILITY RATE:** +14.7%

MIDDLE SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	885	1,030	1,035
% of Permanent Capacity	82%	96%	96%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT

**HIGH SCHOOL:** Travis

**RATING:** Academically Acceptable

**ADDRESS:** 1211 E. Oltorf Street

**PERMANENT CAPACITY:** 1,862

**% QUALIFIED FOR FREE/REDUCED LUNCH:** 84.7%

**MOBILITY RATE:** -18.1%

HIGH SCHOOL STUDENTS	Current Population	5- Year Projected Population	5-Year Projected Population (w/ proposed development)
Number	1,838	2,043	2,050
% of Permanent Capacity	99%	110%	110%

☒ INCREASE

☐ DECREASE

☐ NO IMPACT



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent  
School District



## IMPACT ON SCHOOLS

At the rate of 0.1 students per unit, the 240 unit multi-family development is projected to add approximately 24 students over all grade levels to the current projected student population. It is estimated that of the 24 students, 12 will be assigned to Travis Height Elementary School, five to Fulmore Middle School, and seven to Travis High School. The existing permanent capacity at the middle school and high school will be able to accommodate the additional student population. Additional students at the elementary level will further increase the percent of permanent capacity at Travis Heights Elementary School.

## TRANSPORTATION IMPACT

Two of the schools, Travis Heights ES and Fulmore MS are within 2 miles of the proposed development; therefore students would not qualify for transportation unless a hazardous route condition was identified. Students attending Travis High School would qualify for bus transportation, however, the small number of students projected at the high school level for the proposed development should not impact the number of bus routes.

## SAFETY IMPACT

There are no safety concerns identified at this time. Adequate sidewalks and bike paths are available in the area.

Date Prepared: September 7, 2012

Director's Signature:

A handwritten signature in black ink, which appears to read "Paul Turner".

**Broadstone at the Lake PUD**  
**Tier 1 & Tier 2 Outline**  
**C814-2012-0071**

Tier 1 Requirements		Will this PUD meet Tier 1 Reqs?
A. Meet the objectives of the City Code		Yes.
B. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (General Intent) than development under the regs in the Land Development Code.		Yes.
C. Provide total amount of open space that equals or exceeds 10 percent of the residential tracts within the PUD, except that: <ol style="list-style-type: none"> <li>1. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and</li> <li>2. The required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided.</li> </ol>	<p>Yes, 15% of the gross site area will be provided for open space. Open Space can be counted on the ground and upper floors.</p> <p>PUD Tier 1 Requirements:            5,794 sf (10% of residential)            1,800 sf (20% of commercial)  <b>7,565 TOTAL required</b></p>	
D. Comply with the City's PUD Green Building Program		9,997 sf proposed per PUD 32% more than required
E. Be consistent with applicable neighborhood plans, and compatible with adjacent property and land uses.		Yes, 2-star greenbuilding will be achieved.
F. Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones, and greenbelt areas, CEF's, soils, waterways, topography, and natural and traditional character of the land.		Yes, the Future Land Use Map designation is Mixed Use.
		Yes, the proposed redevelopment will increase the sites environmental protection by adding trees, landscaping, and removing the current surface parking lot. Water quality onsite will be improved by removing the existing surface parking lot, thereby removing hydrocarbons and pollutants associated with a surface parking lot. Parking for the proposed development will be in an underground, structured parking garage that has a maintenance plan.

EXHIBIT F  
TIER 1/2  
TABLE



**Broadstone at the Lake PUD**  
**Tier 1 & Tier 2 Outline**  
**C814-2012-0071**

G. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities.	Yes, based on City of Austin record data, sufficient infrastructure exists and therefore no additional public facilities are anticipated.
H. Exceed the minimum landscaping requirements of the City Code.	Yes, larger diameter trees (3" , rather than 1 ½ caliper inch) will be provided on-street to create a canopy and shading.
I. Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	Yes, a Bus Rapid Transit (BRT) stop is planned at the site and is currently being coordinated with CapMetro.
J. Prohibit gated roadways	Yes.
K. Protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance.	Yes. The site itself does not have historical, environmental or cultural significance; however, because of its close proximity to Lady Bird Lake and Auditorium Shores, the applicant has been attentive to the pedestrian aesthetics. The proposed project will remove a surface parking lot, upgrade existing sidewalks and provide an open public plaza. The project will enhance the pedestrian experience in this area and provide an inviting gateway to the Butler Trail, Lady Bird Lake and Auditorium Shores.
L. Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	Yes, the project is characterized by special circumstances. The property is located in a dense, urban block, including two tracts directly adjacent with structures or plans that allow 200'. The Future Land Use Map of the Neighborhood Plan identifies this property for mixed use, recognizing that this area is intended for dense use and use denser than can be accommodated in 60 feet of height given the configuration of the property resulting



**Broadstone at the Lake PUD**  
**Tier 1 & Tier 2 Outline**  
**C814-2012-0071**

	<p>from the long-existing prior development of this area. The site also provides an opportunity to transition appropriately at the intersection of two core transit corridors which have 80 to 130 feet of right-of-ways and are across the street from large nearby structures – the City offices and the Long Center. The applicant's proposal seeks to extend a multi-family structure one story above the 60-foot height limit set forth in the South Shore Central Subdistrict Regulations and the only way in which this limitation can be modified is with a PUD.</p>
--	--

Tier Two Requirements	
Open Space	<p>Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Dept.</p> <p>How will this PUD meet this Tier Two Requirement?</p> <p>15% of gross site area is proposed to meet open space requirements. This equates to 32% more open space than required per Tier 1 PUD regulations for residential and commercial.</p> <p>This parcel is within the Urban Roadway boundary and is planning to provide bike lanes toward Butler Trail on Lady Bird Lake, subject to Staff approval.</p>





**Broadstone at the Lake PUD**  
**Tier 1 & Tier 2 Outline**  
**C814-2012-0071**

Environment	Prohibits uses that may contribute to air or water quality pollutants.	Yes, Automotive related uses and Service Stations are prohibited.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	Yes, the applicant is working to design bike lanes along the Core Transit Corridors toward Butler Trail on Lady Bird Lake, subject to Staff approval.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E ( <i>Design Standards and Mixed Use</i> ).	<p>Yes, one point is required per the Design Standards and Mixed Use Ordinance. However, the following will be achieved equating to 7 points.</p> <p>One Point Options:</p> <ul style="list-style-type: none"> <li>• Achieve star rating under the City of Austin Greenbuilding program.</li> <li>• Provide façade articulation.</li> <li>• Provide primary entrance design.</li> <li>• Provide roof design.</li> <li>• Provide building materials meeting the standards of this section.</li> <li>• Improve storefronts to new regulatory standard of Section 3.2.2 for glazing type/size and shading.</li> <li>• 100% of glazing on ground-floor facades that face any street or parking lot have a Visible Transmittance (VT) of 0.6 or higher.</li> </ul>



**Broadstone at the Lake PUD**  
**Tier 1 & Tier 2 Outline**  
**C814-2012-0071**

Parking Structure Frontage	In a commercial or mixed use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) ( <i>Waterfront Overlay District Uses</i> ) in ground floor spaces.	The parking will be sub-grade and underground.
Affordable Housing	Provides for affordable housing or participation in programs to achieve affordable housing.	Yes, onsite affordable housing or a payment of a fee-in-lieu will be provided (as detailed further in the proposed site development regulations E-4).
Community Amenities	Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	A public plaza area will be provided at the corner of South 1 <sup>st</sup> Street and Riverside Drive.  A Supplemental Zone, totaling a minimum of 5,500 square feet, will provide additional opportunity for community gathering space.
Community Benefit	Coordinating with Stakeholders.	Applicant is coordinating with Stakeholders to identify additional community benefits.



**BROADSTONE AT THE LAKE PUD**  
C814-2012-0071

**EXHIBIT G**  
**VARIANCE TABLE**

Requested Variance	Code Requirement	Rationale
Maximum height: 75 feet	Maximum height: 60 feet (Waterfront Overlay)	One additional story is requested; the proposed height is significantly less than height approved for the Hyatt PUD (200 feet) and Aquaterra (19 stories). The proposed height is consistent with the Long Center across S. 1 <sup>st</sup> Street. Also, increased height was to be achievable through a Density Program to be created by the Waterfront Planning Advisory Board. This has yet to be drafted and put in place. A PUD is the only mechanism to do modify height at this time.
Minimum Streetyard setback along Riverside: 15 feet Minimum Streetyard setback long S. 1 <sup>st</sup> : 0 feet	Minimum Streetyard setback along Riverside: 35 feet (Waterfront Overlay) Minimum Streetyard setback long S. 1 <sup>st</sup> : 25 feet (Compatibility Standards)	If the building setbacks required by various overlay districts are imposed, the buildable area and footprint on the site would make the project unachievable. Specifically a structured underground parking garage could not be designed to fit within the envelope remaining. Large right-of-way exists to create plant zone, clear zone, and an additional supplemental zone.
Maximum FAR: 4:1	Current LI zoning: 1:1 Base PUD zoning: 2:1	1:1 and 2:1 FAR will not achieve the density on this site that rationalizes structured parking and pedestrian oriented uses. The building envelope will remain below 75 feet.
No license agreement shall be required for the construction and installation of street furniture and other improvements within the clear zones, the planting zones and the supplemental zones, including the installation	Required per Code.	The City's license agreement process is cumbersome, cost and time prohibitive for projects. On average it's a 6 month process and can cost as much as a site development permit to obtain approval. The core terms of

<p>of street trees and other private furniture and improvements; provided the owner shall provide evidence of a commercial liability insurance policy with a limit of at least \$1,000,000 reflecting the City as an additional insured with respect to the construction and installation of such street furniture and other improvements. Balconies that are more than 15 feet above the finished grade of the sidewalk within the clear zones and the supplemental zones adjacent to the building shall be permitted, and no license agreement shall be required for the construction or maintenance of any such balconies that do not encroach more than 10 feet into the right-of-way of the adjacent street.</p>	<p>the "standard" license agreements have been incorporated into the PUD ordinance, including the requirement that the owner provide evidence of an insurance policy with the City as an additional insured.</p>
<p>Decks, balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, biofiltration and porous pavement for pedestrian use, shall be included as open space. The planting zone and supplemental zone will also count toward meeting the open space requirements. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.</p>	<p>Flexibility on open space calculations is reasonable on dense, urban sites. Right-of-way areas will be significantly improved, public spaces will be provided and on-site open space on upper floors will exceed the PUD ordinance requirements.</p>
<p>The provisions of 25-2-742(F) concerning that portion of the building above the base wall shall not apply to any structure that is more than 60 feet and less than 75 feet in height as measured from the highest finished floor elevation for the first floor of the building.</p>	<p>This requirement is unachievable given the configuration of the site and other design elements.</p>

<p>The minimum off-street parking requirement for residential uses is 60% of the requirement prescribed by Appendix A (<i>Tables of Off-Street Parking and Loading Requirements</i>) of Chapter 25-6. The minimum off-street parking requirement for a pedestrian oriented use is 20% of the requirement prescribed by Appendix A (<i>Tables of Off-Street Parking and Loading Requirements</i>) of Chapter 25-6. An outdoor seating area for a restaurant or cocktail lounge use shall not be included in the calculation of gross floor area for purposes of determining the parking requirement for such restaurant or cocktail lounge.</p>	<p>and away from the surface of Riverside Drive.</p> <p>Minimum off-street parking requirement is 80% of the requirement prescribed by Appendix A (<i>Tables of Off-Street Parking and Loading Requirements</i>) of Chapter 25-6.</p>	<p>This request is consistent with parking regulations in Downtown. Given the sites location and proximity to downtown, the Bus Rapid Transit Stop, proximity to the hike and bike trail and bike lanes, a reduced parking request is reasonable. Transit and mobility conveniences will encourage alternative transportation options.</p>
<p>All signage on the Property shall comply with the requirements of Section 25-10-129 (<i>Downtown Sign District Regulations</i>).</p>	<p>Scenic Roadway Sign District Regulations (25-10-124).</p>	<p>Scenic Roadway sign regulations require a signage setback that would be interior to the building.</p>
<p>Alternative Equivalent Compliance procedures of Section 1.5.1 of Subchapter E (<i>Design Standards and Mixed Use</i>) shall be available for all sections of Subchapter E.</p>	<p>Alternative Equivalent Compliance is permitted for Sections 2.2, 2.3, 2.7 and Article 3.</p>	<p>Every effort will be made to meet the Subchapter E requirements, and this will allow the owner to request Alternative Equivalent Compliance in those circumstances where it might be needed..</p>



ZONING: CS-1-Y-NP  
USE: HOOTER'S RESTAURANT

SOUTH FIRST STREET

**PUEBLO PLAZA**

ZONING: P-NP  
USE: PALMER EVENTS CENTER

ZONING: CS-1-Y-NP  
USE: HOOTER'S RESTAURANT

ZONING: C9-1-V-NP  
USE: ZAX RESTAURANT & BAR

ZONING: C9-1-V-NP  
USE: AUSSIE'S BAR & GRILL.

ZONING: CS-1-V-NP  
USE: GENERAL OFFICE

SUPPLEMENTAL ZONE  
±5,500 SF

ACREAGE: 1.533

[illegible]

PROFESSIONAL, PLANNING USES
CONDOMINIUM RESIDENTIAL
MAINTENANCE RESIDENTIAL
COMMERCIAL, LOW-RISE

ADDITIONAL, PREFERRED OR OTHER USES	
MODULAR, INDEPENDENT SERVICES	FOOTBALL, LUGGAGE
ACCOUNTING AND BUSINESS OFFICES FOR	FINANCIAL SERVICES
GOVERNMENT, STATE AND LOCAL	
ADMINISTRATIVE AND BUSINESS OFFICES OF	PERSONAL SERVICES
ALL OTHER RESIDENT OR SITE	
<p>FOR ALL OTHERS, PLEASE CHECK ONE OR MORE OF THE FOLLOWING:</p> <p>STUDIO OR OFFICE OF ARTIST, ARCHITECT, DESIGNER, ENGINEER, WRITER, MUSICIAN, ACTRESS, OR OTHER CREATIVE PROFESSIONAL</p> <p>TO OR SITE OWNERS AND OCCUPANTS AND NOT GENERAL PUBLIC</p>	

[illegible][illegible]

**Bury+Partner**  
221 West Ninth Street, Suite 600  
Austin, Texas 78701  
Tel. (512)330-0911 Fax (512)330-0125  
TÜPS Registration Number 7-1544  
Bury+Partners, Inc. ©Copyright 2013

PERMITTED USES

1. All uses in effect on the date of this ordinance specified as permitted uses, conditional uses, or pedestrian-oriented uses in the Commercial Services (CS) district, the waterfront overlay (WO) district, and South Shore Central waterfront overlay (WO) subdistrict, as provided in Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*), Section 25-2-691 (*Waterfront Overlay (WO) District Uses*), and Section 25-2-692(F) (*Waterfront Overlay (WO) Subdistrict Uses*), of the City Code, except as set forth below.

2. The following uses are additional permitted uses:

Condominium Residential  
Multifamily Residential  
Cocktail Lounge

3. The following uses are prohibited uses:

Automotive repair services	Service station
Automotive sales	Automotive washing (of any type)
Outdoor entertainment	Communication Service Facilities
Local Utility Services	Group Home residential
Telecommunication tower	Adult oriented businesses
Bed and Breakfast Residential (Group 1)	
Bed and Breakfast Residential (Group 2)	
Congregate Living	Residential Treatment
Hospital Services (General)	Research Services
Hospital Services (Limited)	Kennels
Outdoor Sports and Recreation	Business or Trade School
Pawn Shop Services	Bail Bond Services
Exterminating Services	Plant Nursery
Custom Manufacturing	Drop-Off Recycling Collection Facility
Medical Offices – exceeding 5,000 sq/ft of gross floor space	

4. The following uses are additional pedestrian-oriented uses for purposes of Section 25-2-691 (C) (*Waterfront Overlay (WO) District Uses*) and Section 25-2-692 (F) (*Waterfront Overlay (WO) Subdistrict Uses*) of the City Code:

Personal Improvement Services  
Administrative and Business Offices for on-site sales and leasing  
Administrative and Business Offices if an owner resides on-site  
Financial Services  
Personal Services

**A privately owned health club, gymnasium, spa, health or physical fitness studio or similar Personal Improvement Services that has memberships available to on-site owners and occupants and the general public**



SITE DEVELOPMENT REGULATIONS TABLE

Except as otherwise provided in this ordinance, development of the Property shall comply with the site development regulations for the Commercial Services (CS) district, including the provisions of Subchapter E (*Design Standards and Mixed Use*) requirements for a Core Transit Corridor, and the provisions of Section 25-2-721 (*Waterfront Overlay (WO) Combining District Regulations*), Section 25-2-742 (*South Shore Central Subdistrict Regulations*).

1. The Maximum Height shall be seventy-five (75) feet measured from the highest finished floor elevation for the first floor of the building. HVAC and other equipment and improvements excepted from the maximum height limit under Section 25-2-531 (*Height Limit Exceptions*) shall be placed above the highest occupiable space of the building.
2. The Minimum Setback for the street yard on Riverside shall be fifteen (15) feet, and there are no minimum street yard on South First Street and no minimum interior side yard or rear yard setbacks. City of Austin Code provisions concerning setbacks, such as 25-2-1064 (*Front Setback*), do not apply to any structure on this Property.
3. The Maximum Floor Area Ratio shall be 4:1.
4. There shall be no minimum site area requirements for any dwelling unit within the building. Except as provided in this ordinance, there are no other restrictions on the number or size of the dwelling units that may be constructed on the Property.
5. All residential development shall comply with Austin Energy Green Building Program (GBP) in effect May 9, 2012, a copy of which is attached hereto, for a minimum two-star rating. Certification from the GBP shall be met.
6. The building shall be designed to earn at least seven (7) points from Section 3.3.2(C)(*Table of Design Options*) of Subchapter E.
7. The provisions of 25-2-742(F) concerning that portion of the building above the base wall shall not apply to any structure that is more than 60 feet and less than 75 feet in height as measured from the highest finished floor elevation for the first floor of the building.
8. The improved Right-of-Way of Riverside Drive and South First Street immediately adjacent to the Property shall be developed as set forth in this ordinance and on Exhibit C (*Land Use Plan*). The portion of the Property and the right-of-way area between the building and the curbs on Riverside Drive and South First Street shall consist of plantings zone, clear zones and supplemental zones as shown on the Land Use Plan. Alternative Equivalent Compliance procedures of Section 1.5.1 of Subchapter E (*Design Standards and Mixed Use*) shall be

available for all sections of Subchapter E. The area within the planting zones, clear zones and the supplemental zones shall not be included in any impervious cover calculation, and shall be credited towards satisfying the open space requirements.

9. Native shade trees selected from Appendix N (*City of Austin Preferred Plant List*) of the Environmental Criteria with a minimum diameter of 3 inches shall be planted every 30 feet on center within the planting zones as reflect on Exhibit C (Land Use Plan). All street furniture and other improvements within the planting zones and the supplemental zones shall be installed at the expense of the owner and all such street furniture and improvements (other than street trees and furniture and improvements for accessory outdoor dining) shall be dedicated and conveyed to the public when installed. All street trees and the associated irrigation systems and all furniture and improvements for accessory outdoor dining shall be installed at the expense of the owner and shall be owned, maintained and replaced, as may be necessary, by the owner.

10. No license agreement shall be required for the construction and installation of street furniture and other improvements within the clear zones, the planting zones and the supplemental zones, including the installation of street trees and other private furniture and improvements; provided the owner shall provide evidence of a commercial liability insurance policy with a limit of at least \$1,000,000 reflecting the City as an additional insured with respect to the construction and installation of such street furniture and other improvements.

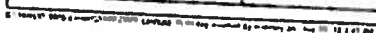
11. Balconies that are more than 15 feet above the finished grade of the sidewalk within the clear zones and the supplemental zones adjacent to the building shall be permitted, and no license agreement shall be required for the construction or maintenance of any such balconies that do not encroach more than 10 feet into the right-of-way of the adjacent street. All such balconies shall be part of the building and shall be maintained and repaired as necessary by the owner of the building.

12. The minimum total amount of open space shall be 15% of the gross site area of the Property. Decks, balconies, patios, and water quality facilities, such as rain gardens, rainwater collection areas, vegetative filter strips, biofiltration and porous pavement for pedestrian use, shall be included as open space. Vegetative roofs and other landscaped areas of roofs shall be permitted and all such areas that are at least 5 feet in width shall be included as open space for purposes of complying with the 15% minimum open space requirement. All of the open space on the ground floor and all upper floors will be credited toward meeting the minimum open space requirement.

13. A portion of the Property is located within Zone "AO" on the Federal Emergency Management Agency Flood Insurance Map and the building encroaches on the 100-year flood plain as reflected on the Land Use Plan. The finished floor elevation of the building shall be at least two feet above 100-year flood plain; normal access to the building as shown on the Land Use Plan is by direct connection with an area above the Design Flood Elevation as defined in Section 1612.2 of the Building Code; the development shall compensate for the flood plain volume displaced by the development; and the development shall comply with the requirements of Section G102.3 of Appendix G (*Nonconforming Uses*) of the Building Code.

14. All existing overhead electric lines located within the right-of-way adjacent to the Property shall be relocated within such right-of-way to be underground lines as reflected on the Land Use Plan at owner's expense.
15. A payment instead of structural controls under Section 25-8-214 (*Optional Payment Instead of Structural Controls in Urban Watersheds*) of the City Code shall be permitted and is approved for 1 acre of the Property. The amount of such payment shall be calculated and aid at the time the site development permit/site plan for the Property is released.
16. No on-site detention shall be required for the development of the Property.
17. An outdoor seating area for a restaurant or cocktail lounge use shall not be included in the calculation of gross floor area for purposes of determining the parking requirement for such restaurant or cocktail lounge. Cocktail Lounge is a permitted use due to the Property location in the Waterfront Overlay.
18. The minimum off-street parking requirement for residential uses is 60% of the requirement prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of Chapter 25-6. The minimum off-street parking requirement for a pedestrian oriented use is 20% of the requirement prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of Chapter 25-6.
19. The total number of off-street parking facilities for bicycles shall be a minimum number equal to 5% of the total number of motor vehicle spaces required by Appendix A (*Tables of Off-Street Parking and Loading Requirements*) of Chapter 25-6. Such minimum number of off-street bicycle parking facilities shall be provided within the "planting zone" along Riverside Drive and South First Street and/or within the parking garage constructed on the Property, which bicycle facilities within the garage may include bicycle storage for occupants of the Property.
20. A single driveway is permitted on Riverside Drive and a single driveway is permitted on South First Street as shown on the Land Use Plan or as the Land Use Plan is modified by the site development permit/site plan.
21. A single loading zone shall be required as reflected on the Land Use Plan to serve the combination of uses within the building to be constructed on the Property.
22. All signage on the Property shall comply with the requirements of Section 25-10-129 (*Downtown Sign District Regulations*).
23. The lesser of at least 10 percent of the residential rental units or the residential rental habitable square footage must (a) be affordable to a household whose income is less than 80% of the median family income in the Austin metropolitan statistical area, and (ii) remain affordable for 40 years after the date the certificate of occupancy for the residential rental habitable portion of the building is issued. Notwithstanding the forgoing, in lieu of complying with this affordable housing requirement, the payment of a fee may be made to a Housing Assistance Fund to be used for producing or financing affordable housing, such fund to be identified by the Director of

Neighborhood Housing and Community Development Department. The amount of such fee shall be 60% of the fee established under Section 25-2-586(1)(*Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District*) at the time of the payment of fee.



City of Austin Planning Commission

Subject: Case No.: C814-2012-0071

Date: September 4, 2012

Dear Commissioners:

On Monday, August 13, 2012, The Waterfront Planning Advisory Board voted 5-0, with one member abstaining, to not support PUD zoning for the RunTex Property located at S. 1<sup>st</sup> and Riverside Drive (Broadstone at the Lake). Because you will only be given our vote and not our reasoning, I am submitting this letter with our comments for your information.

*Written by Roy B. Mann, WPAB member*

My reasoning in voting to deny PUD zoning to the RunTex site stems from my position that a small site, one acre or less is insufficient in size to justify planned unit development, which by definition is intended as an orderly system for arranging multiple buildings, roads, pathways, and amenities into a publicly compatible whole. Approval of new small PUD's within the WOZ should not be given since such approval can bypass essential base zoning and the overlay zoning authorized by ordinance within the WOZ District.

Any applicant's site plan and other plan components can be fairly and reasonably evaluated by our board and variances can be approved, if found justifiable, under base and overlay zoning, that is, without the applicant resorting to PUD adoption.

By stating "new", I recognize the existence of grandfathered PUD's within the Waterfront Overlay District.

*Written by Cory Walton, WPAB member*

The proposed project fails to meet several of the minimum (Tier 1 ) requirements for PUD zoning. The applicant inappropriately applies a zoning classification that is intended for large, multi-phase integrated development projects of 10 acres or more, to a single structure on a typical infill commercial site of 1.53 acres, apparently for the sole purpose of circumventing current zoning and Waterfront Overlay height limits. The proposed project makes only token gestures at fulfilling Waterfront Overlay design requirements, including public spaces, plantings and green spaces, while completely shirking environmental considerations including runoff water management. Furthermore it violates key Overlay principles, including the provision of visual and physical access to the waterfront. Staff's recommendation to approve this application with conditions not only violates the intent of PUD zoning, it fails to account for the larger scope of the WFO's South Central Sub district, which includes some of the Overlay's most generous entitlements and therefore potentially producing so much density and traffic as to suffocate the Overlay's goals for protecting the community's visual and physical access to the Waterfront and Lady Bird Lake. Council should not approve this plan under PUD zoning, nor of the requested height entitlement it seeks in order to circumvent the WFO, but should consider a revised,

less intensive plan that allows a variance to the WFO's 35 ft. Riverside Drive setback, and manages runoff water within the site boundaries, rather than on City right-of-way.

My comments were not as much about the use of a PUD to circumvent the Waterfront Overlay as they were about the overall lack of quality in this project.

1. The "public" spaces were unrealistic. The "Plaza" was inadequate and was not much more than the entrance to the residential tower. The outdoor tables that the applicant stated as public and for anyone to use seem an unrealistic goal. Any restaurant will want those tables for their use only and if they serve alcohol, they will have to separate them from the public right of way, thus taking them away from dedicated public space.
2. The use of "fee in lieu" instead of treating runoff on-site is a big red flag. Any development in the Waterfront should manage their water quality instead of allowing run-off into Lady Bird Lake.
3. The Pedestrian Oriented Use spaces along S. 1<sup>st</sup> are approximately 12' deep. I am not aware of any business that can operate in that size space.
4. The developer proposes LEED 2-star rating, I believe 3-star should be the minimum.
5. The overall quality and lack of detail that was presented to our board was far below the excellence called for in the Waterfront Overlay Ordinance.

The other 2 Board members expressed similar comments, especially the use of PUD zoning to allow for increased entitlements in the Waterfront .

We hope these comments help in your evaluation of this project and result in a higher quality development that better meets the goals and intents of the Waterfront Overlay Ordinance.

Thank you for your consideration of this matter.

**Brooke Bailey**  
**Chair, Waterfront Planning Advisory Board**

**CHERYL OGLE**  
P.O. Box 161086, Austin, Texas 78716  
Ph. (512) 327-4460 Fax: (512) 327-0714

August 21, 2012

RE: Case Number C814-2012-0074

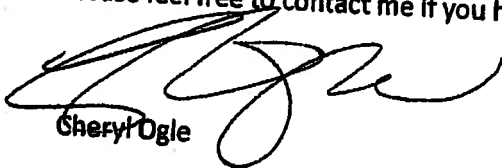
201 S. 1<sup>st</sup> street

To whom it concerns:

I am the owner of 210 Barton Springs. This is a 5 story 80 ft tall office building next to this location.

This construction will block the views which we have on the fifth floor on the North West side of our building. Since we receive premium rentals for these views, we are opposed to this construction over 60 feet.

Please feel free to contact me if you have any questions.

  
Cheryl Ogle

3600 Bee Caves Road, Ste. 206, Austin, TX 78746



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-2012-0071

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Sep 11, 2012, Planning Commission

Oct 11, 2012, City Council

*Philip Bible -*

Your Name (please print)

☒ I am in favor  
☐ I object

*306 Barton Springs - Agacent*

Your address(es) affected by this application

*Philip Bible - Agacent*

Signature

Date

Daytime Telephone: *(512) 431-5128*

Comments:

*① MIXED USE - Urban type development should be encouraged in this area.  
② Height of 75 to 120 feet is appropriate  
③ CBD type F.A.R. ought to be allowed - promoted*

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810